To: The Mayor and City Council Members of Milpitas

Subject: Request to resolve the impacts on Sylvan Gardens Neighborhood caused by KB's construction

We, the residents on Sylvia Ave and Sylvia court request that the City of Milpitas take the following measurements to resolve the impacts on our neighborhood and homes expressed in the attached letters of concern (Please see Attachment # 1, 15 pages).

1. Review of the approved original Master construction plan and confirm whether or not KB's construction is being built according to plan.

During the June 20th, 2006 City Council Meeting the question of what the maximum height for the new constructions is had been raised and Mr. Tom Williams replied that 3 stories is the maximum building height. (Please see attached draft meeting minutes, page 13). In reality KB's construction are 4 stories and the first story is described as "Basement Floor" or Garage level" and we would like to bring your attention that this 1st level is built above ground level and is designed for use as indoor car parking, storage room, laundry room, computer room, hobby room, etc... Also contrary to what was agreed to by KB representatives during the June 19th, 2006 Community Meeting, KB is still offering the fourth level option (Please see Attachment # 2, 09 pages with illustrations)

- 2. Appoint an Appraiser to determine the devaluation of property value due to loss of privacy, loss of quietness, loss of space view from our backyards, and traffic congestion. These adverse conditions are considered in all appraisals. The factors of privacy, quietness, and views are always mentioned in Real Estate advertisements and are key aspects of any home. Privacy and quietness contribute greatly to property value, but are now completely deprived by KB's new development. (Please see Attachment # 3, 07 pages). We request a joint committee of city & KB representatives and Sylvia homes owners to determine the loss of property value.
- 3. Review of the area Storm Drainage System. We need to know what changes in Topography are occurring due to the new development. With the higher ground level on KB's construction site our neighborhood will be at greater risk during a flood. Also, what is the impact on our FEMA Flood Map?
- 4. Review the process of maintaining the drainage ditch between our neighborhood fences and KB 8"concrete wall which only has a 2 feet wide clearance. This is a potential health concern because without frequent and routine maintenance," the ditch" will become a sanctuary for stray; wild; and dead animals, insects, trash, waste and other health hazards.

Thank you very much hearing the concerns of your local residents.

If you have any questions, please contact:

Hung Do

Home (408) 942 – 7991

Mobile

(408) 666 - 4255

Quang Do

Home (408) 942 – 7991

Mobile

(408) 823 - 1102

210 Sylvia Avenue Milpitas CA, 95035

ATTACHMENT # 1 (17 Pages)

Letter of Concerns from Homeowners of Sylvia Avenue

To: City Council Members of Milpitas From: Residents of Sylvia Avenue

Subject: Request for city council meeting to address issues of KB's development and the impact on our homes.

The residents of Sylvia Avenue request that the Milpitas City Council agendized our issues regarding KB's development. Over the past several months, we have had a number of issues with KB but, for the purposes of this meeting would like the following concerns addressed.

- 1. Are KB's new home being built according to approved plans During the June 20th, 2006 Milpitas City Council meeting the question was raised whether or not the new constructions are considered 4 stories (including the garage) or 3 stories (excluding the garage). The residents were assured that we would receive copies of approved city plans as well as documentation that the constructions are being built to code from Tom Williams and to date we have received nothing. In addition, we were also given this false promise during the June 19th, 2006 community meeting. So for the 3rd time, we again ask the City of Milpitas to review the approved plans and provide the residents of Sylvia confirmation of whether or not the constructions are being built to code.
- 2. **Loss of Privacy** At the June 20th, 2006 Milpitas City Council meeting, Ray Panek, Senior VP for KB Home agreed to eliminate the 4th story option for the homes being built on the street adjacent to Sylvia Avenue however, the Sylvia homes which are in front of the model homes which have already been built have already had their privacy taken away. During the June 20th, 2006 meeting it was also agreed that KB would replace the 4th story windows with opaque windows to address the issue of privacy and nothing has been done.
- 3. **Devaluation of Property Value** Views are an important aspect of any home and a primary driver for its value whether it be an ocean view, mountain view or in our cases space view. The peace and tranquility of our backyards are have been violated by the 4 story constructions and we request that the City of Milpitas assist us with obtaining property appraisals to be used as a basis for requesting appropriate compensation for our losses.
- 4. **Revaluation of the flood maps** The residents of Milpitas have been told that the drainage ditch that will be built between our homes and the sound wall is meant to protect both communities during a flood but, given all the poor communication and false promises we can and will not take this verbal promise. We would like the City of Milpitas to revaluate our flood maps incorporating KB's drainage system and give us formal assurance that KB is doing what they are saying.

- 5. **Maintenance of Drainage Ditch** At the June 19th, 2006 Community Meeting and June 20th, 2006 City Council Meeting the residents of Sylvia were told that the space between the sound wall and our fences would be maintained by KB's Home Owners' Association (HOA) and we also told that we would receive copies of KB's HOA agreement to confirm this and to date we have received nothing. Several Sylvia residents sent a letter dated June 28th, 2006 Subject: Good Neighbor Fence Preference Sheet and in that letter we specifically requested again for documentation and assurance the KB's HOA would be maintaining the space between the sound wall and our fences which is a health concern since stray animals, weeds, trash, and other unsanitary items could build up there and we would not have any means of handling it.
- 6. **Traffic Problems** The corner of Sylvia Ave and South Abel will have much more traffic than before once residents start moving in the new constructions however that street corner is already a dangerous one to cross since there are no street lights.

Thank you very much,

Quang Do 210 Sylvia Avenue

Milpitas CA, 95035

408 - 823 - 1102

June 19th, 2006

To: KB Home South Bay Inc.

City of Milpitas Staff

We the resident-owners of Sylvan Gardens would like to address the negative effects on our properties from KB Home's new construction. We request that the city of Milpitas acknowledge our loss of privacy and property value due to KB's construction and assist us with resolving these issues. As a remedy for our losses we are requesting appropriate compensation.

Please see attached letter.

Thank you,

Name: Qua Do a Huy D 6
Address: 210 Sylvia Muz
Signature: Hry
Name: Joe Siva
Address: 234 SILVIA AVE
Signature: Lile
Name: Mana Voulty Wesner M. Donothy Werner
Address: 388 SXLVIA Ave-
Signature: Millowthy Jeine
Name: Thomas W Snell + LORRAINE SNELL
Address: 316 Author CV.
Signature: " / Jomas World

Name: Ortonia Aguilar
Address: 284 Sulvia ave
Signature:
Signature. Many effet
Name: Mark +JO Bunnell
Address: 475 Palmer ST., 95033
Signature: Mark Burnell
Name: Victor M. Vazavez
Address: 292 Sylvia Ave
Signature:
Name: Kinichi & Haruyo Bando
Address: 140 Sylvia Ave. Milpitas CA 95035 Signature: Endr Dance Harry Bando
Signature: Endry Banda Harryo Banda
Name: BURNY MACARDEG
Address: 222 SYLVIA AVE
Signature:
Name: Kulwinder Pahoge
Address: 258 SYLVIQ AUC
Signature: \SDG\S
Name: MURA TURINO
Address: 324 SYMA COURT
Signature: MW M
Name: HUNG-TSY CHEW
Address: Auliva Chre
Signature:

Name: Drue Esrema-
Address: VIS SYIVIA AVE
Signature:
Name: LUZVIMINDA (IARI)
Address: 324 Sylvia of Milpites Ga 95035
Name: LUZVIMINDA GARIN Address: 324 Sylvia of Mipitus Ga 95035 Signature: Augusta A
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Name: Zeny Fintoine
Name: Zeny Antoine Address: 190 Sylvia Aver Milpital, Ob. 95038
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Name: Van Pham
Address: 312 Sylvia of Milpitas, CA. 95035
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To: The Mayor & City Council Members of Milpitas

We, the undersigned owner-residents of Sylvia Avenue would like to present our concerns regarding the impacts of KB's Terra Serena construction on our properties. As a result of the high rise constructions we are now suffering a direct loss of privacy and significant property value devaluation. We are formally requesting that the City of Milpitas assist us with resolving the following issues:

- 1. During the June 20th, 2006 City of Milpitas City Council Meeting, the issue of privacy and loss of property value were raised several times and it was agreed that we would be provided evidence & documentation showing that the 4 story condos and townhouses are being built accordingly to approved plans. As of today, we have not received anything and are again requesting a formal review of the construction to ensure conformity with approved plans.
- 2. Evaluation of our loss of privacy and property devaluation by a formal committee to determine the appropriate monetary compensation.

We greatly appreciate your consideration and concern for our community.

Thank you very much.

Name/Signature	Address	Phone	E-mail
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The state of the s	178 2014 11 Ada	799-3477	
Haruy: Emda	140 Sylvin A10.	408-946-174	
Victor M Norrywez	2912 Sylvia Ave	465 941-9412	<u> </u>
,			

Please forward any questions or concerns to:

Hung Do & Quang Do 210 Sylvia Avenue Milpitas, CA 95035

Quang Do's Cell: (408) 823 – 1102 Hung Do's Cell: (408) 666 – 4255 To:

Jed Bennett

KB Home

From: Antonia Aguilar

June 29, 2006

I'm writing this in reference to the MONSTER homes that you are building behind my home on 284 Sylvia Avenue (and I do mean MONSTER). Here are my major concerns:

- 1) KB Homes along with the City of Milpitas Council has continuously lied to the citizens of Sylvia Avenue. When the KB homes were first discussed it was stated that the homes directly behind us would be 2 story homes. What we are now seeing is 4 story homes. Please do not state that this is 3 story, the garage is a 4th story. The MAJOR concern that this raises are:
 - a) Our home values WILL decline due to the loss of privacy. Who wants to purchase a home where you have a 4 story building looking down in your backyard? Would you want to live on our street now?
 - b) There will be MAJOR loss of privacy by our families. We will no longer feel comfortable having our family get togethers in the backyard. Plus we can no longer sun bath in the backyard! In addition, the 4 stories can even peer right into our BATHROOMS and our BEDROOM! Did the architect have his head buried in the sand, was he blindfolded? Was the Milpitas Council all out to lunch when they approved this? Council members "would you like to have these disasters peering down your backward? What the XXXX were you thinking? THIS IS A COMPLETE LOSS OF PRIVACY. Please don't tell me that you are putting windows that are tinted or that don't see out. At this point I don't believe anything that KB OR the City of Milpitas Council says.
- 2) And what the hell were you thinking when you put the concrete all in our backyard? Would you like a 10 feet wall, similar to the Freeway walls in your backyard? I don't think so. So why are you so disrespectful of the Sylvia Residents to put this eyesore in our backwards? The answer: you could care less about the residents on Sylvia Avenue. In addition, the CONCRETE WALL completely takes away from the view that we had. Which by the way, the new view, was only suppose to be a 2 story house NOT 4 story house.
- 3) A drainage ditch only 2 feet wide? What idiot thought of this? This is a problem waiting to occur and of course it's the Sylvia residents that will carry the brunt of the disaster. It will attract insects, mosquitoes, toxic dumping ect.... Not acceptable.
- 4) And what happened to the park that we'd have EASY access to? There will not even be a walkway with easy access. We'd have to go all the way around.

I request the following:

- 1) environmental impact of the 4 story buildings (and I'm going to say that they are buildings as no one could call those "homes")
- 2) an appraisal value of our homes AND a reimbursement for the loss of value due to the EYESORE building that you are putting behind the jail. (I.e., as it will be more difficult for me to sell my house with the COMPLETE LOSS OF PRIVACY). It's our estimation that the property values will decline \$150,000.
- 3) Revised Flood maps from the Federal Emerging Management.

284 Sylvia ave

- 4) Master plan showing the 4 story buildings and that they were approved by the Milpitas City Council and the citizens of Sylvia Avenue to be right behind us. All of the meetings that we attended stated that the 2 story buildings would be behind us. Have you forgotten this?
- 5) And did I mention the lovely traffic problem? It's extremely difficult to get on to Abel Street; another disaster waiting to happen.

In addition, I highly advice that KB begin listening to the citizens of Sylvia Avenue. We are totally disgusted that you have completely disregarded the concerns that we have raised. My property values will easily decline \$150,000 if not more. We hold both KB Homes and the Milpitas City Council responsible for the loss in our property values. Please be advised that we will be contacting our lawyers.

Best Regards,

Antonia Aguilar

408 Tel:<u>2620625</u> 7/2/06 Name: ANIA AGUILAR Address: 284 Sylva 1/6 Please list your specific concerns, complaints, questions: Attach photos or diagram of available D'Our homo values will decline due to high rise buildings. Desorapour view we had before Drainage problems befind our home will bling mosquitor and toxic waste. De Loss of privacy 5) Traffic will be a stoblem, even worse than it is now. approval on adverse Revised Hood maps fedreral emergency managment. Anstruction - moster plan showing maximum keigh

KB Home - A bad neighbor

KB Home is taking wholesale advantange of Sylvia Avenue propety owners abutting their construction site. We can only turn to our local government to redress this reckless disregard and bad faith commitment to the property owners of Sylvia Avenue.

The weak link in this whole mess lies in the fact that that the city council only meets on the first and third Tuesday of the month placing the next meeting on June 20th. Further, the council will not be meeting for the entire month of July; turning an already bad situation into a major crisis. Pushing council action on this matter into August, when our bad neighbor's construction crews will be long gone.

For now we can and must rely on the good will of city staff to force KB Homes' Area Superintendent Frank Surber to make good on his obligation to Sylvia Avenue residents and property owners. We have been made to suffer three full days (8 to 4 each day) without electricity to our homes (6/1, 6/7, and today, 6/8).

What is KB Home going to spring on us next???

City Hall Staff -

Building Inspection (Kavon) 586-3259

Planning & Zoning (Tom Williams) 586-3279

Note: Both of the above departments have been informed by the City Clerk of the above abuses, but it might not hurt to give them a ring as well. Thanks.

Robert Drobot, 190 Sylvia Avenue, 408 945 9685, e-mail: quickturn@earthlink.net

Why was there a total lack of communication between the city Milpitas planning or inspection depts and KB Home about the promised construction of a wooden fence?

Why wasn't the chain link fence removed prior to the installation of the concrete wall?

Why does the concrete wall stand where the original chain link fence stood. I was told KB planned to give Sylvia Avenue property owners an additional two feet of property from the new fence line!!! Further, I was told there would be two feet of space between the new fence line and the placement of the concrete wall!!!

Why does the proposed drainage for the KB home being placed on the Sylvia Avenue side of the wall - not - the KB side?

How and when will the 'temporary' chain link fence be removed?

How and when will the two foot trench be land filled?

How and when will the promised fence be built?

Why is the alleged property line at 190 Sylvia Avenue the only property staked out?

From Robert Deaboit 190 Sylva Ace WITH MU DUE RESPECT TO MU KB DEVELOPORS AND SUBCONTRACTORS WHO IS DUING A COCD NETCHBORHOOP FENCE
I WILL NOT ALLOW KB TO CHTER MY PROPORTY; IN
WHAT SO EVER THE SITUATION OR KB'S THEILINE.

AS A MATTER OF FACT, KB TOOKED MY TRIVACY IN MY
BACKYAND, NOW THEY WANT TO GHTER MY PROPORT
TO DO THE FENCE MAD TO SURVEY THE PROPORTY.

KB SHOULD HAVE DONE THE HOUSES, MYD PUT UP THE
SOUND WHAL. KB CAN TO GU THESE HORK ON THEIR
PROPORTY LINE NO MATTER AT TRACS. THEY SHOULD

NOT DISTURBED THE SYLVIA TRESIDENTS WITH THEIR.

HISTMES.

From: owner of 222 Sylvia the

To

City Hall Staff **Building Inspection** planning & Zoning

Sub: What happened to my house at 258 Sylvia Ave. Milpitas due to heavy duty equipments used by KB HOME behind my house.

Sir.

I would like to report the damage happened to my house during construction behind my house. My house was shaking like it was Earth quake. My patio Roof started leaking and all ply wood planks got rotten due to leakage. Now i have to change whole roof. All my new concrete floor around house and patio floor got crack due heavy equipments. Also my house paint, my curtains, carpet and rugs are full of dust. It is going to cost me a lot to take care of these things.

I am requesting you to look in to this matter.

Thanks

Res.Ph. 408 - 946-3255

258 SYLVIA AVE

MILPITAS CA 95035

To: Jed Bennett 6700 Koll Center Parkway, Suite 200 Pleasanton, CA 94566 June 28, 2006

Fr: Residents of Sylvia Ave, Sylvia Ct. and Palmer St.

Subject: Good Neighbor Fence Preference Sheet

Regarding your letter dated June 26, 2006 subject: Schedule update for the week for June 26, 2006 – June 30, 2006 we the residents of Sylvia Ave, Sylvia Ct. and Palmer St have the following requests:

- We want a written agreement that we will be compensated for any damage caused by removal of our existing fence and /or installation of the new wooden fence and that the area between the concrete wall and our new fences will be maintained by Terra Serena's Home Owners Association (HOA) at no cost to us.
- We are not allowing the temporary Chain-Link fence to be installed 4 feet from the PCC wall. The Chain-Link fence would enter our property by 2 feet.
- We would like written confirmation that you will be removing and properly disposing of our old fence and that we will be indemnified from any and all liabilities in connection with the removal of the old fence and installation of the new fence.
- We are not allowing you to enter our properties; the work will need to be done from KB's property.

Name:
Address:

QUARG DO
Address:

210 Sylvia Ave
Hulpitas CA 95039

ente July 5th of

To: The Mayor of City of Milpitas City Council Members

We, the undersigned owner-residents on Sylvia ave, city of Milpitas, would like to present our concerns regarding the impacts caused by KB 's Terra Serena new construction on our properties and the community . Due to the high-rise buildings ,we are suffering direct loss of privacy and significant devaluation of property value.

We would like to request the following measures:

- 1/ Revision of Subdivision plan & maps to insure conformity and proper physical aspects such as: building designs, streets and environment impacts, flood maps, traffic problems, health issues (the 02 feet drainage ditch between sound wall and neighbors' fences, adverse conditions on the site or from immediate vicinity
- 2/ Evaluation of loss of privacy and property value and working with KB for proper monetary compensation.

We greatly appreciate your dedications in taking in consideration the problems occurring under your local jurisdictions

We are looking forward to your help

Name(s)	Address	Phone: H:	C:
Hung.Do	210 Sylvia Are	408-566.425	5
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Attached:

Opinions and evaluations from Professionals (Realtors -Aprraisers) and prospect home buyers

WE ARE BOT ALLOWING THE KB
TO GO IN TO OUR PROPERTY BECAUSE
OF THE FACT THAT KB DID THE
FIRST MISTAKE BY PUTTING UP THE
SOUND WALL AND HOW KB WANTS
TO WORK IN OUR PROPERTY— WE
ALREADY LOST OUR PROPERTY— WE
PROPERTY VALUE. LETTING THE KB
WORK IN OUR PROPERTY (WALK IN
AND OUT)— X THINK KB SHOUL
COMPENSATE THE SYLVIAN RESIDENTS
OTHERWISE WE ARE NOT ALLOWING
KB TO WORK/ENTER OUR PROPERTY.

owner of 222 Sylvia the

To: K B Home South Bay Inc City of Milipitas Staff

We would like to express our deep concerns regarding the impacts on our properties located on Sylvia Avenue that were resulted from new construction by KB Home recently. As mentioned in article: Good Fences make Good Reighborhood published on June 15/2006. Mr Snell clearly stated that: "This is drastically impacting the value of our properties" Indeed, we are loosing the privacy of enjoying the tranquility of our backyard coupled with anticipated noise problem and heavy—dangerous traffic in the neighborhood. Not to mention the Berlin wall and possible drainage problem in this Flood area. The trench between the 2 walls should not be a sanctuary for animals, insects, wild plants, waste that we can not do the clean-up that will definitely raise Heath issues (mosquitoes, dead animals, bad odors, humidity...)

The proposed remedy for this serious impact is Compensation for losses in property value. We ask KB Home to pay each owner a Home Improvement package in the amount of \$20.000 Homeowners to use this money to improve their property (new roof , kitchen remodeling , new landscaping) in order to compensate the negative affect from K. B. aggressive building .

Your consideration on this issue is greatly appreciated Thank you very much

Quary Do 210 Sylvia Ave Milphis CA 95035 Hung DO 210 Sylvia Ave Milphis CA 95035

Property owner signature and address:

Please list your specific concerns, Attach photos or diagram of availa	able	
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ATTACHMENT #2 (8 pages)

Document showing Maximum Height for a residential building (by Ticor Title Co.)

KB flyer offering a 3rd floor option (actually it should be the 4th level)

Different floor plans showing the 1st level called Basement Floor or Garage level having entertainment room, computer room, hobby room.....

TICOR TITLE INSURANCE COMPANY

METRO Expanded Information

Details For: 7507 SE 120TH PL, PORTLAND 97266

Garbage Hauler

Residential

Sunset Garbage Collection (503) 774-4122

Commercial

Unfranchised

Dropbox

Unfranchised

Political Boundaries

City

Portland

County

Multnomah Co.

Metro Council District

District 1

Rod Park

parkr@metro.dst.or.us

Voting Precinct

4359

Planning Information

Census Tract

89.01

Neighborhood

PLEASANT VALLEY

Urban Growth Boundary

Inside

Zip Code

97266

Zoning

Local Designation

R10

Local Definition

Single Family Residential.

Portland Environmental Zone

С

Minimum Lot Size

Minimum lot size = 10,000 sq. ft. Maximum density = 4.4 units per acre.

Maximum Height

30 ft.

Generalized Classification

SFR

Generalized Class Description

Single Family - lot sizes of 6500 to 8500 sq. ft.

Environmental Findings

Flood Plain (FEMA 100 yr.)

Outside

Watershed Basin

WILLAMETTE RIVER

Watershed Subbasin

JOHNSON CREEK

Service Providers

Fire Protection

City of Portland

Parks

City of Portland

School District

DAVID DOUGLAS No. 40

Sewer

City of Portland

Water

City of Portland

Tax Assessment Details

Steven Vo Century 21 Hart Realty 9738 SE Washington St Suite Q Portland, OR 97216





Viento @ Terra Serena

PLAN 1

3 Bedro	oms/2.5 Baths +	Office/Den &	Family Rooms/Storage	1770 Sq Ft
Lot 40	Elevation B	1770 sq. ft.	3 Bed/2.5 Bath	\$727,000
Lot 36	Elevation C	1770 sq. ft.	3 Bed/2.5 Bath	\$727,000
	*3 rd Floor Optio	n adds approxi	mately 488 square feet to the	e home

PLAN 2

3 Bedro	oms/2.5 Baths + 0	Office/Family,	Living & Dining Rm/Storag	e 1772 Sq Ft
Lot 19	Elevation B	1772 sq. ft.	3 Bed/2.5 Bath	\$742,000
Lot 35	Elevation B	1772 sq. ft.	3 Bed/2.5 Bath	\$742,000
*3 rd Floor Option adds approximately 447 square feet to the home				

PLAN 3

3 Bedro	oms/2.5 Baths + 0	Office/Family	& Living Rooms/Storage	2045 Sq Ft
Lot 57	Elevation C	2045 sq. ft.	3 Bed/2.5 Bath	\$771,000
			mately 479 square feet to the	home

*3rd Floor Option pricing is not reflected above; adds \$87-97,000 Approximately.
*Model Homes are shown with significant upgrades for you to choose from

KB Home Requires Pre-Qualification thru Countrywide KB Home Mortgage

Sales Agents: JoAnn Salaz & James Samuels Sb433@kbhome.com

8/27/06

Viento / Office Hours 238 Alvarez Common, Milpitas, 95035 Mon: 10am-2pm, Tues.-Friday: 10am - 7pm, Sat & Sun: 10am-6pm Phone: (408) 719-1071 Fax: (408) 719-1085

KBHOME - CHOICE, VALUE, TRUST

© 2001 KB HOME Prices/terms subject to change, prior sale, homesite premiums, and predetermined options, without notice. Floorplans, options, elevation premiums, views, vary by community/homesite and are not guaranteed. Square feet are approximate. Map not to scale. For information on all KBHOME communities call 1-888-KB-HOMES. www.kbhome.com

* KELIMINARY

White and the second

MASTER BEDBOOM

BEDROOM SOPERINGEN

88

LAMILY

KHCHEN

DICK.

U

GARAGE 2 BAY

4=/==

TERRA SERENA PLAN 3

Each model has:

3 Bedrooms

3 Baths

Family

Living Room

Laundry Room

Nook

1 KORBY

Nine Foot Ceilings

2-Car Garage

2,045 sq. ft. Plan Three Approx.

FIRST

FLOOR

BASEMENT

FLOOR

FLOOR SECOND

BEDIKOOM 2

/==/==

0

PORCH

TIVING ROOM/ OPT, BEDROOM 6

*Please see your Sales Representative for locationally determined enhanced elevations. Terrace location depends on plan.



6: 2005 KB HOMF Fer notiging and systematic point and your credit report, facility and applications require detailed credit report quality actions in the fitting of the control of the control of the control systems of the control of the con

"ELIMINARY

TERRA SERENA PLAN 1

Each model has:

FAMILY ROOM

3 Bedrooms

2.5 Baths

Den

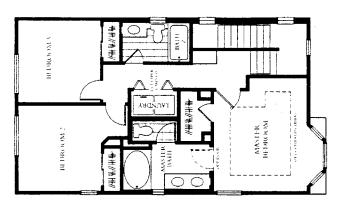
Family Room

Laundry Room

Nine Foot Ceilings

2-Car Garage

Approx. 1.770 sq. ft.





U

GARAGE 2 BAY

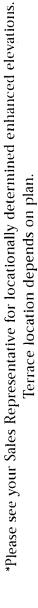


FLOOR FIRST

FLOOR

BASEMENT

FLOOR SECOND





«2005 R ROM. Free morage arabis's credit report pair pair teport lean applications require detailed credit report/qualification R ROM reserves the right to change floorplan specifications, prives, financing, remained by RB HIGM. Stated prive may not undore for promining and options shown in artists rendition. All hourses subject to prior safe, Special wall and window treatments, custom pair redo., photographs, applicabled floor coverings, Landscaping, custom designed walls and pairs treatments, custom private private and are not achieved to me RB HOMF Windows, colourns, portlers, and posts may red electronized hoursester. Renderings and floorplans are artist's conception, square loading in approximate and posts may ear according to construction; landscaping shown is not standard. Phere see your Sales Representative for hourse are designed wall hoursester.

WELLMINA RY

MASTER BEDROOM

TERRA SERENA PLAN 2

Each model has:

3 Bedrooms

2.5 Baths

Dining Room

Family Room

Living Room

Laundry Room

Porch

Nine Foot Ceilings

2-Car Garage

РІзп Тмо Арргох.

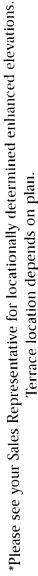
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SEMENT

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FLOOR

FLOOR SECOND









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BEPROOM 2 OPT LOST

BLDROOM 3

FIRST

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CIETO

PRELIMINARY

TERRA SERENA PLAN 5

Each model bas:

2 Bedrooms

2 Baths

Dining Room

Living Room

Laundry Room

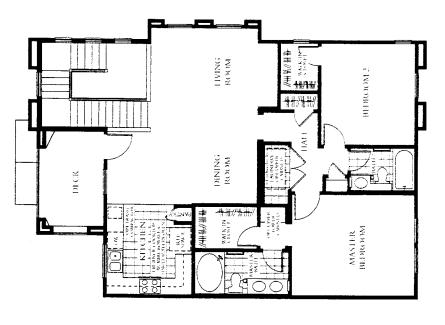
i (iminana)

Deck

Nine Foot Ceilings

CARAGE

Approx. 1,372 sq. ft.



FIRST LEVEL

LEVEL

GARAGE

*Please see your Sales Representative for locationally determined enhanced elevations. Terrace location depends on plan.



CIELO

PRELLIMINARY

TERRA SERENA PLAN 6

Each model bas:

3 Bedrooms

BASEMINI AUNDRY

2.5 Baths

Dining Room

Living Room

Laundry

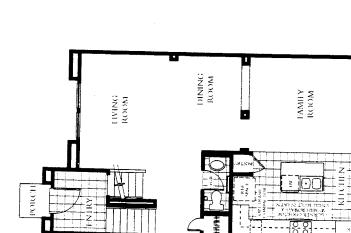
GARACE

Terrace

Nine Foot Ceilings

2-Car Garage

Approx. 1.740 sq. ft.





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IIVII

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WALKIN **/**

MASTER BEDROOM

TERRACT

LEVEL GARAGE

LEVEL FIRST

LEVEL SECOND

*Please see your Sales Representative for locationally determined enhanced elevations. l'errace location depends on plan.







LEVEL

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72 sq. ft.

eilings

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*Please see your Sales Representative for locationally determined enhanced elevations. Terrace location depends on plan.

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ATTACHMENT # 3 (06 pages)

"Adverse Condition" factor in an appraisal report

Real Estate principle: Traffic congestion, new development... as forces influencing property value

Real Estate Advertisements emphasizing " Privacy " " Backyard relaxing " as factors determining property value

ADDITIONAL FIELD TEXT

Borrower/Client DO	File No.
Property Address 210 SYLVIA AVENUE	
City MILPITAS County SANTA CLARA State CA Zip Code 95035	
Lender WASHINGTON MUTUAL	

ANALYSIS CURRENT AGREE COMPS 1-3

THIS IS A PURCHASE FOR THE AMOUNT OF \$440,000. PER NDC INFORMATION, THE SUBJECT HAS NOT TRANSFERRED IN THE PAST 36 MONTHS.

ADDITIONAL FEATURES

CERAMIC TILE FLOORS IN KITCHEN AND BATHROOM, HARDWOOD FLOORS IN LIVING ROOM AND BEDROOMS, SKYLIGHT IN KITCHEN, CEILING FANS, BRICK FIREPLACE IN LIVING ROOM.

ADVERSE CONDITIONS

NO ADVERSE ENVIRONMENTAL CONDITIONS WERE NOTED BY THE APPRAISER ON THE SITE, IN THE IMPROVEMENTS, OR IN THE IMMEDIATE VICINITY AT THE TIME OF INSPECTION.

COMMENT SALES COMPARE COMPS 1-3

ALL COMPS ARE THE BEST AVAILABLE OF COMPARABLE SIZE & APPEAL FROM THE SUBJECT'S MARKET AREA. ADJUSTMENTS FOR DIFFERENCES IN LOT SIZE ARE MADE AT APPROXIMATELY \$3 PER SQUARE FOOT. ADJUSTMENTS FOR DIFFERENCES IN GLA ARE MADE AT APPROXIMATELY \$50 PER SQUARE FOOT. ADJUSTMENTS FOR DIFFERENCES IN ROOM COUNT ARE MADE AT \$20,000 PER FULL BATHROOM. COMP 4 IS ADJUSTED \$2000 FOR IT'S FAU HEATING VERSUS THE SUBJECT'S WALL HEATING. ALL COMPS ARE CONFIRMED CLOSED SALES & ARE WITHIN THE 15% GLA AND 1 MILE APPRAISAL STANDARDS. ALL ADJUSTMENTS ARE TYPICAL FOR THE AREA.

COMMENTS ON COST

PLEASE SEE ATTACHED SKETCH ADDENDUM FOR APPROXIMATE BUILDING DIMENSIONS, FLOOR PLAN AND TOTAL GLA CALCULATION.
MEASUREMENTS OBTAINED FOR THIS APPRAISAL AT TIME OF INSPECTION & ARE APPROXIMATE. THE SKETCH ADDENDUM IS FOR USE ONLY
W/THIS APPRAISAL. *LAND VALUE DERIVED BY UTILIZING THE EXTRACTION METHOD. LAND TO IMPROV. VALUE OVER 50% IS TYPICAL.

ESTIMATED REMAINING ECONOMIC LIFE: 35 YEARS

CONDITION APPRAISAL

THIS SUMMARY APPRAISAL REPORT IS INTENDED FOR USE BY THE LENDER / CLIENT FOR A MORTGAGE FINANCE TRANSACTION ONLY. THIS REPORT IS NOT INTENDED FOR ANY OTHER USE.

FINAL RECONCILIATION

GREATEST EMPHASIS IS PLACED ON THE SALES COMPARISON ANALYSIS WHICH BEST REFLECTS MARKET DEMAND AT THIS TIME. THE COST APPROACH IS SUPPORTIVE TO THE OVERALL VALUE. THE INCOME APPROACH IS NOT APPLICABLE.

NEIGHBORHOOD BOUNDARIES

THE IMMEDIATE NEIGHBORHOOD IS BOUNDED BY CALAVERAS BLVD. TO THE NORTH, FREEWAY 680 TO THE EAST, MONTAGUE EXPRESSWAY TO THE SOUTH AND FREEWAY 880 TO THE WEST.



The Four Main Forces Influencing Value

- Physical Republic
- A Section of Section
- Process and the second
- · William Books

When Factors influencing Value

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The appraiser must decide if there is a demand for a property, such as a high-rise residential building, or a low-cost housing project. Can it be used for the purpose in was intended, such as a family home, or residential complex? How many projects like this one are there in the area? The fewer there are, the more value the subject property has. Is the title clear and can the selier easily give ownership to a buyer? As you can see, all of these factors are important in assigning a value to a property. An appraiser must hold each one up in the property in question to arrive at a correct estimate of value.

Forces Influencing Value

The essence of life is change, and real estate is not excluded from that force. Value is created, maintained, modified and destroyed by the relationship of the following four forces.

Forces Influencing Value

1. Environmental and Physical Characteristics

This includes quality of conveniences, availability of schools, shopping, public transportation, churches, similarity of land use. Environmental forces may be climate, soil, topography, oceans and mountains.

2. Social Ideals and Standards

Population growth and decline, age, marriage, birth, divorce and death rates all combine to cause changes in social patterns.

3. Economic Influences

Some economic forces that influence value are natural resources, industrial and commercial trends, employment trends, wage levels, availability of money and credit, interest rates, price levels, tax loads, regional and community economic base, new development, and rental and price patterns.

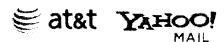
4. Political or Government Regulations

Some political forces that can affect value are building codes, zoning laws, public health measures, fire regulations, rent controls, environmental legislation and community economic base.

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5 Sep 2006 01:00:43 -0700

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hungmdo@sbcglobal.net

Subject: ADV: Great Opportunity in Santa Teresa!

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Motivated Sellers - Bring Your Buyers & Make an Offer Today!

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charming home on a quiet cul-desac in Santa Teresal Great curb appeal and relaxing back yard) all surrounded by mature trees for privacy and shade!

Conveniently located off of Santa Teresa Blvd. and Vineyard Blvd.

bedrooms, one bathroom

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- Large Eating Area in Kitchen

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MLS: 645821 Price: \$658,000







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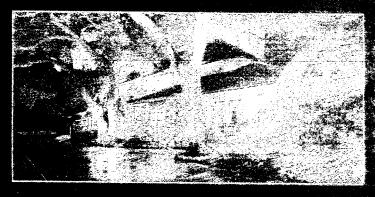
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SANTA BARBARA'S ARCHITECTURAL ESTATES



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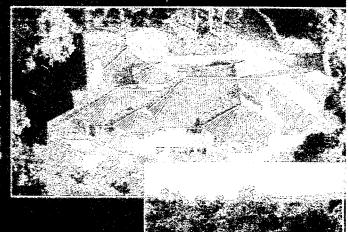
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Newly Offered at \$6,495,0

Montecito Harbor & Island Views

Magnificent Mediterranean residence with dramatic ocean, island and harbor views from almost every room. Designed by Don Pederson and built in 1989 for the current owner, this home has never been on the market. Step through the double front door to the elegant living room framed by the Sama Barbara channel, islands and yacht harbor. Master suite, two bedrooms, gournet kitchen, wine cellar, media room.

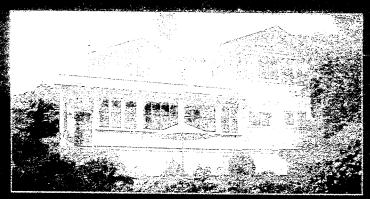
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Incorporating old world charm and expert craftsmansh with modern day architectural upgrades, this artistic retre captures the historical elegance of downtown living in San Barbara; sun porch, ocean view deck, a dramatic two story living room. An ideal second home with easy access to the culture downtown.

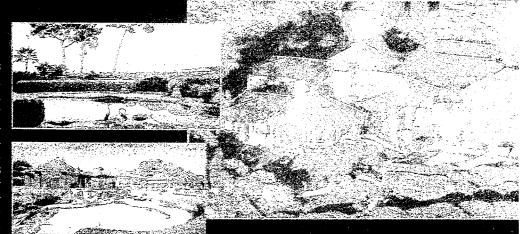
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Romantic Montecito Ocean View Villa

Ocean, islands & city vistas surround this exceptional, villa in Santa Barbara. The great room opens completely to the outside by floor-to-ceiling glass doors. A spacious, open floor plan throughout the 3 BR main house & 1 BR guesthouse allows flexibility. Oversized his/her master baths, fitness room, 5-car garage, & state-of-the-art security system. Newly Offered at \$6,500,000

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ATTACHMENT # 4 (06 pages)

Milpitas Post articles

Pictures of Neighborhood and KB construction



Wall feud sparks KB concessions

Developer admits perimeter fencing should have been better handled; residents are angry

BY IAN BAUER

A pre-fabricated concrete wall of contention - built by developer KB Home, deplored by Sylvan Gardens residents — will remain.

The 10-foot wall, which received city approval, runs the length of Sylvia Avenue. Its presence as well as what's on the other side has angered Sylvia Avenue residents who complain of loss of privacy and noise.

But KB Home, who built the sound barrier to block off the northern portion of the proposed 683-unit Terra Serena residential project under construction on South Abel Street, has now conceded to a laundry list of special considerations to appease bordering residents.

The developer's concessions were gleaned from a community meeting held Monday night

at the Barbara Lee Senior Center.

The neighborhood meeting was called after the Milpitas Building and Safety Department placed a stop work order last week over construction of the 1,200-foot-long sound barrier.

Listed items were also reviewed at Tuesday's

Milpitas City Council meeting.

During the council meeting, Ray Panek, a KB Home vice president for planning and land development, told council members the housing developer will try harder to work with its neighbors to reduce impacts from the Terra Serena project.

Panek said complaints made by residents included noise from workers, a lack of up-to-date information from KB Home over the project itself and the presence of the concrete sound bar-

rier that many consider an eyesore.

Addressing the complaints, KB Home promised to build 8-foot wooden fences in resident back yards; sand blast, paint and texture the sound barrier to improve its appearance; stop on-site worker's music and foul language; issue weekly written reports to residents; and continue to meet weekly with city staffers over the progress of the project.

A V-shaped concrete drainage ditch planned to go between the concrete wall and the future wooden fence line will be kept clear of debris and foreign material by the future Terra Serena

Please see next page

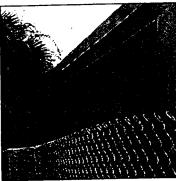


Continued from previous page

homeowners association, he said.
Also, the firm will attempt to work with Pacific Gas & Electric Co. to credit residents for a one-day loss of power due to installation of the sound barrier, though residents assert they lost electricity for three days earlier this month due to the sound barrier's construction

In addition, KB Home will assess the feasibility of eliminating a third-story option present in its townhomes.

Due to a first-floor garage built into that structure, many residents



A 10-foot concrete fence was installed before a promised wooden fence behind back yards in the Sylvan Gardens, angering neighbors. Photo courtesy of City of Milpitas

have said the three-story building is actually four stories.

"We will not sell that option at that location; that (option) will be on the interior of the site," Panek said.

In addition, opaque windows will be installed in the KB town-homes to reduce visibility from Terra Serena units into the back yards along Sylvia Avenue.

Robert Drobot, a Sylvia Avenue renter, has been vocal about the presence of the wall and KB Home's construction activities.

Drobot said Tuesday that in spite of KB Home's promises to be a good neighbor, the work to build fences as well as the future drainage ditch would be disruptive and likely ruinous to back yards.

"I'm lost on how to get them to do what they need to do without their crews destroying our back yards... that has not been answered," 'Drobot said.

City officials and KB Home's representative assured residents

any landscaping taken out of back yards would be replaced.

Drobot suggested not all residents would be willing to allow work crews into their homes.

Tom Williams, Milpitas planning and neighborhood services director, said other construction techniques could be used to pour concrete for the V-shaped drainage ditch, without going through residents' back yards.

But Drobot was dissatisfied. He said he would remain distrustful of KB Home and its promises.

"Actions speak louder than words; so far their words do not meet their actions," he said.

Other upset residents spoke.

Quang Do, a Sylvia Åvenue resident, was concerned over KB Home's buildings peering into his own home's back yard.

"For my family, the bigger issue is the issue of privacy," he said.

Do added his parents were upset that they could no longer garden in peace with the presence of the large residential project.

"My parents look at our back yard as a sanctuary," Do said. "It is an infringement of privacy, it is an encroachment."

He added the promised opaque windows for the town homes would be useless if they were opened.

Do also said he felt his house would likely be appraised at a lesser value than before.

Later, council members, particularly Mayor Jose Esteves, stated Terra Serena received full city approval, and that the best thing now was for all parties to work together to resolve any issues.

Likewise, Councilman Bob Livengood suggested that residents should trust that KB Home will do what it said it was going to do.

"My position here tonight is that I want to take people at their word," Livengood said. "I have to take (KB Home) at their word. The mayor has made a kind of statement; we need to pull together to make this work."

Council members unanimously voted to have progress reports over Terra Serena regularly brought to the council's attention.





Good fences make good neighbors

But Sylvan Gardens residents are angry about the soundwall behind their yards

Robert Droboi, an eight-year renter on Sylvia Avenue, is ured of feeling like he's an inuate at nearby Ulmwood Correctional Pacifity.

Drobot, 66, claims that a developer-built 12-foot high concrete sound barrier behind his residence is ugly and was not built with the needs of the surrounding community in mind.

"This is like the Berlin Wall for God's sake!" Drobor said Monday. "Just pur in the turrets and I feel like I'm in Elmwood; it's pathetic."

Drobot asserted that developer KB Home's installation of the 1,200-foot-long wall may have crossed property lines of Sylvia Avenue residences, though the city denies that.

The wall is supposed to serve as

a north-facing buffer between Terra Serena, the 683-unit condominium, townhome and single-family home project being built on South Abel Street near Curris Avenue, and existing Sylvia Avenue homes.

Built in sections, the sound barrier consists of pre-fabricated interfocking concrete slabs that Drobot says were quickly hoisted into place by cranes and completed in his back yard June 7. The wall, which KB officials said will later be refinished to improve its aesthetics, extends the entire length of Sylvia Avenue.

Drobot notes a letter written

erty owners of Sylvia Avenue."

to homeowners by KB Home land development officer Michael

Miller that calls for a 6-foot high

wooden "Good Neighbor Fence"

Another avenue resident, Tom Snell, is equally upset over potential affects the wall will have on his home, which he and his wife purchased in 1974.

to be built in each back yard

north of the northern sound wall.

Instead of wooden fencing, so

porary metal chain link fences in

far, the developer has placed tem-

There's absolutely no consideration for us, "Snell, 72, said." This is drastically impacting the value of our properties."

began, Drobot has tried to organize fellow residents to openly question construction methods by KB Home.

As part of his campaign against the wall, Drobot created fliers calling KB Home a "bad neighbor."

Drobot wrote, "KB Home is taking wholesale advantage of Sykia Avenue property owners abutting their construction site. We can only turn to our local government to redress this reckless disregard and bad faith commitment to the prop-

City officials inspect a soundwall erected to the rear of Sylvia Avenue homes that serves as a buffer to the 683-unit KB Home development (units seen behind fence).

Photo courtesy of City of Milpitas

ished dirch and affect properties. Drobot's concerns over the soundwall have gotten the attention of key city officials. He invited many of them to view the wall from his back yard.

Milpiras City Councilman Bob Livengood, who visited Drobot's house Monday afternoon, said Milpitas City Council voted for plans that included

planned wooden fence from the

wo-foot space separating the

In addition, KB also promised a

homes facing the wall.

there, it is in the form of a dirt ditch. Snell and Drobot both believe

soundwall. Though the space is

"That wall is designed to be part of the project," he said.
"That's not a surprise."

But what Livengood said he's most concerned over is the lack of the promised wooden fence.
Livengood said he wants KB

Home to keep their promise for the fence's construction.

"KB has to gain access to all the

Please see Page 12

6 • JUNE 15, 2006 • MILPITAS POST

Soundwall angers some Sylvan Gardens residents

Continued from Page 6

back yards now. Common sense says to me that the wooden fences go up first," Livengood said.

He added the unfinished drainage ditch between the sound barrier and the properties also has to be squared away.

"A drainage issue needs to be devised. It appears that has not happened either," Livengood said.

On Tuesday, city planners and building inspectors met with KB Home representatives at the sound wall site.

Keyvan Irannejad, Milpitas chief building official, said he took action.

"I issued a stop work order on KB to stop building the concrete wall," Irannejad said.

He added the wall, which is almost half done, was an issue that KB Home needs to explain and rectify. He added the city disagreed with the developer's idea to construct the concrete wall before putting up the wooden fence.

"Instead of building a temporary (chain link) fence, they could have built a permanent one," Irannejad said.

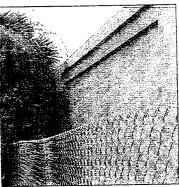
He added the stop work order would allow time for the developer to meet with the community before work on the wall portion of the Terra Serena project continues.

Craig LeMesurier, KB Home public affairs officer, said this week that a community meeting would also be held for residents and city officials to air concerns over the sound barrier. A date for the meeting has not been set.

LeMesurier added that all aspects of the project had been reviewed and approved by the city.

"Everything we do has to be approved by city council," he said.

Saying the developer sent letters to Sylvia Avenue residents and that community meetings were held



A 6-foot wooden fence was promised to Sylvia Avenue residents, who were surprised to a see a 12-foot pre-fabricated wall and chain-link fence erected. The wooden fence is forthcoming and the concrete barrier was approved by the city council, according to officials.

Photo courtesy of City of Milpitas

prior to the project's approval by Milpitas City Council, LeMesurier said KB Home would draft a new letter for homeowners.

Tom Williams, Milpitas Planning and Neighborhood Services director, also viewed the wall and met with KB Home representatives.

Williams said, as he understood it, KB Home decided to install the concrete wall first so as not to damage any irrigation systems or the proposed wooden fence.

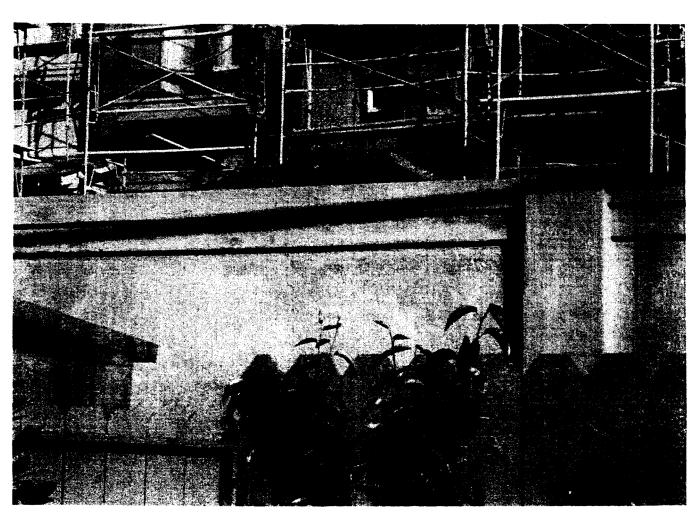
"That was their reasoning," he said. "(The city) believes they should have built the wooden fence first."

Williams also refuted the notion that KB Home had crossed property lines of Sylvia Avenue homes.

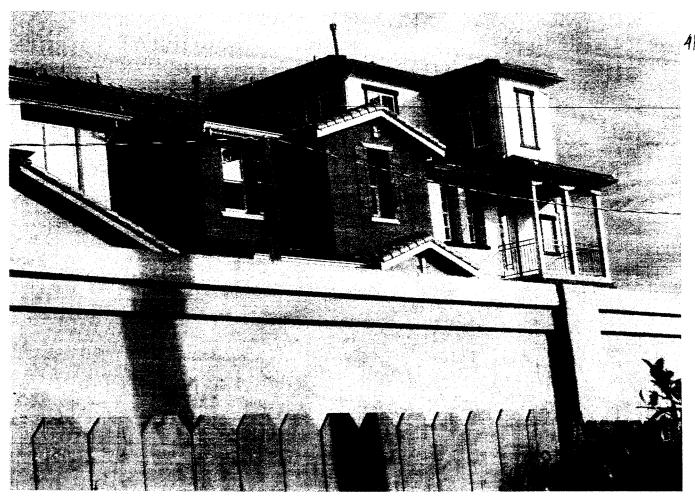
He explained that surveyors previously marked all legal boundaries for the Terra Serena project.

"(KB Home has) maintained construction on their property," Williams said.











13. Report on KB Home Construction Site

Planning and Neighborhood Services Director Tom Williams addressed recent concerns raised by neighbors of the KB Home construction site in Milpitas. He spoke to bring the City Council up to date with how some residents of Sylvia Ave, Sylvia Ct, and Palmer St concerns were being addressed.

Complaints received at the City from residents included: issues regarding the 10 foot masonry wall, temporary fencing, drainage, installation of new fences, property line identification, construction issues, building height, power outages, responsiveness of KB Homes and on site labor issues.

A neighborhood meeting was held the previous evening (June 19) across from the work site at the Senior Center, for residents. 32 people attended, along with KB Home staff, and City Building and Planning staff.

Mr. Williams displayed on the screen where a v-ditch was planned to be installed in between a concrete wall and to-be-installed wooden new fences behind existing homes. It was in a flood plain area. A new storm drain system was being installed already by KB Home, it would help the neighbors a lot with regarding to flooding, where they currently have sump pumps due to drainage problems in the rainy season.

At the meeting, the group came to the following resolution, agreed to by KB Home for the residents:

- 1. KB Home to look into feasibility of eliminating 3rd story option
- 2. Timeline to construct new good neighbor fence- early July to start and complete by the 2nd week in August
- 3. Fence type to be redwood at 8 ft height (6 ft fence with lattice) or installed to match individual homeowners' existing side yard fence
- 4. KB Home to look at installing opaque windows on 3rd story of north elevation facing Sylvia Ave; staff will work with KB on this
- 5. KB Home to control or stop on-site music and foul language
- 6. KB Home to issue weekly update memo to residents on Tuesday or Wednesday

Ray Panek, Senior Vice President for KB Home, thanked all the neighbors who attended the meeting and he came to express what KB was doing. He garnered good results from the meeting with residents, to get to the resolutions noted by Mr. Williams. Mr. Panek said KB had agreed it would not build a third story on the Alvarado Common segment abutting Sylvia Ave. He admitted to less than satisfactory communication with neighbors until now. He had thought it was a fair explanation provided to homeowners about the drainage concept. A memo would go out on Mondays to neighbors explaining activities as well as contact information.

Vice Mayor Gomez cared that homeowners have a single point of contact. Mr. Panek repeated that the weekly memo would contain the contact information.

Councilmember Giordano had concerns relating to obscuring the development, and she asked about the maturity of trees and trees have a visual impact. Is this wall to be landscaped? KB Home's response was yes, and 15-20 ft box trees were required for the site. KB Home would deliver notice to the residents at their doors regarding installation.

Mayor Esteves asked what was the maximum height allowed by the City Council? Mr. Williams replied 12 ft. and three stories was the maximum building height (not specified in feet.) The Mayor asked KB Home, what was the response time anticipated? Mr. Panek replied immediate. It was noted that consistency in reply to neighbors was important to KB Home and the Mayor agreed.

Planning Director Williams asked neighbors to call him directly, as the City contact on this construction project.

Councilmember Polanski reiterated that one of the questions that came up was how was KB going to finish the fence, trench, building, without doing any damage to existing backyards? Mr. Panek stated the company would go door to door and work directly with the homeowners, and arrange for fence design and access to yards for installation.

Mayor Esteves then asked for speakers from the public.

Mr. Robert Drobot, noted it was his second time in the room, in awe at the dedication of elected officials and complimented the City Council for their hard work. He resided at 190 Sylvia Ave, and reviewed the neighbors' meeting with City staff and KB Home the previous evening and what was agreed to. How KB would accomplish some of those details was not revealed, and he had concerns on how they were going to do it. Mr. Drobot felt that KB's verbal communications did not meet their actions, and was skeptical about promises made.

Mayor Esteves asked for cooperation between all parties in this situation. He asked how much damage would there be in the backyards? Mr. Panek said KB staff would go door to door to ask permission to enter backyards. Otherwise, the necessary work would have to be done by hand. If denied, KB can conduct work within the two-foot area, and he did not foresee any damage. Plants would be removed and replaced where needed. KB expressed its desire to be a good neighbor and not cause problems.

Councilmember Livengood did go down to Sylvia and looked at some of the homes' backyards. The method (in between fences) was going to cause a lot of work for KB, with the two-foot drain area. He asked residents to take KB Home at their word, with the promises made last night. He believed residents should be reimbursed by PG&E if they went without electricity for three days. Councilmember Livengood said staff would help the residents.

Mr. Williams noted that the County had installed a chain link fence years ago, over time property owners took down old fencing, and residents have plants on former County/now KB Home property. Replanting was an issue when it's on KB land, not the homeowners. Some of those plants would have to be removed that were on KB's property.

Residents:

Quang Do, 210 Sylvia Ave, lived with his parents and expressed concerns about privacy relating to the height of the development. With the lack of privacy, the family no longer goes in the backyard anymore. Privacy was the most critical for his family. He felt trees would not obscure the third story of the new buildings. This would lower house values in their neighborhood, and what could they do?

Mr. Do (father of previous speaker) spoke reiterating what his son said, with specific concern for privacy in his backyard. He was also worried about increased traffic.

Buddy Magray, 222 Sylvia Ave., lived in his house for 13 years. He wanted to sell his house now because of the KB Home development, but felt he cannot. He complained about privacy loss in back yard.

Mayor Esteves said when the project was proposed, there were public hearings held. Staff responded to that comment, and that there were neighborhood meetings too. The project was proceeding as approved on the plans.

Mr. Drobot remarked further than the absence of credibility (of KB Home) as to what staff was saying and what residents were saying about the public meetings.

Motion: direct City staff to continue to work with residents and KB Home to resolve issues, and staff must provide residents with all documentation of prior public hearings, public meetings and approvals granted on the project, and to provide future updates to Council on progress of construction and KB Home's commitment to nearby residents

Councilmember Polanski reminded all residents how to contact Councilmembers to provide any feedback or further complaints on this matter.

Mayor Esteves requested the City Clerk to provide close-to-verbatim meeting minutes for this section of the meeting, especially the KB Home promises made at this meeting to neighboring residents.

Motion/Second:

Councilmember Livengood/Vice Mayor Gomez

Motion carried unanimously by a vote of:

AYES: 5

NOES: 0

15. 4th of July Update

Early in the meeting, Recreation Services Manager Bonnie Greiner provided a brief oral staff report on the updated number of participants in the parade scheduled for July 4, Independence Day.

Ms. Greiner announced there were 40 entries, with no musical bands entered. There would be many walkers and primarily vehicles in the parade. Later, live music and fireworks were planned in Milpitas. City Manager Lawson asked how did this year compare with last year, in terms of the parade participation? Ms. Greiner replied that last year, there more than 2000 participants, with larger groups, and 42 applications.

The Council thanked staff for providing the updated information.

ORDINANCE

16. Introduce Ordinance No. 38.768

Planning Director Tom Williams explained the need for the update to the Milpitas Municipal Code. He stated it was essentially a "housekeeping" re-zone item to permit the project at 2015 Calaveras Rd. to go forward.

City Attorney Steve Mattas read the title of the ordinance "An Ordinance of the City of Milpitas Rezoning a Parcel of Land from Agriculture (A) to Single Family Residential (R1-6) for Calaveras Country Estates."

(1) Motion: waive the first reading of Ordinance No. 38.768 beyond the title

Motion/Second:

Vice Mayor Gomez/Councilmember Livengood

Motion carried unanimously by a vote of:

AYES: 5 NOES: 0

(2) <u>Motion</u>: introduce Ordinance No. 38.768 for the previously approved Zone Change No. ZC2004-1 for the Calaveras Country Estates Subdivision

Motion/Second:

Vice Mayor Gomez/Councilmember Giordano

Motion carried unanimously by a vote of:

AYES: 5

NOES: 0

RESOLUTIONS

Items were adopted on the Consent Calendar.

BIDS AND CONTRACTS

Items were adopted on the Consent Calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 11:19 PM.

The foregoing minutes were approved by the Milpitas City Council as submitted on August 1, 2006.